



U.S. Department of Justice

Environment and Natural Resources Division

LJG:BR

DJ # 90-5-2-4-280

US EPA RECORDS CENTER REGION 5



466016

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December 16, 1996

VIA FEDERAL EXPRESS MAIL

Stephen R. Ludwig, Clerk of the Court
United States District Court
Northern District of Indiana,
Hammond Division
101 Federal Building
507 State Street
Hammond, IN 46320

RE: Gary Development Co. v. U.S. EPA, Case No. 2:96CV489RL

Dear Mr. Ludwig:

Enclosed for filing in the above matter please find an original and two copies of Defendant United States Environmental Protection Agency's Notice Of Filing Of Certified Index To The Administrative Record with the certified index attached thereto. Please date stamp the extra copy and return it to me in the enclosed envelope. Your assistance is appreciated. If you have any questions or need additional information, please contact me at (202) 514-2191.

*This Box contains
the administrative
record items 1- 69
in Gary Development
Co., Docket No RCRA-
V-W-86-R-45.*

Enclosures
cc. Counsel of Record

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

GARY DEVELOPMENT COMPANY,
INC.,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

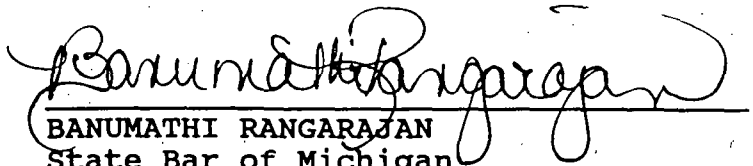
Case No. 2:96CV489 RL

NOTICE OF FILING OF
CERTIFIED INDEX TO THE ADMINSTRATIVE RECORD

Defendant United States Environmental Protection
Agency, by counsel, hereby provides notice of the filing with the
Court of the attached Certified Index To The Adminstrative Record
in this matter.

Respectfully submitted,

Lois A. Schiffer
Assistant Attorney General
Environment & Natural Resources
Division



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Chicago, IL 60604-3590

ATTORNEYS FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Date: December 16, 1996

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

GARY DEVELOPMENT COMPANY,
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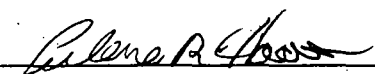
Defendant.

Case No. 2:96CV489RL

CERTIFICATION

The United States Environmental Protection Agency hereby
certifies that the material indexed below constitutes a complete
record of the documents submitted in Gary Development Company,
Docket No. RCRA-V-W-86-R-45, RCRA (3008) Appeal No. 96-2.

In witness whereof I have subscribed my
name this 6 day of December, 1996, at
Chicago, Illinois.


Arlene R. Haas
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5
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Mail Code C-29A
Chicago, IL 60604-3590

INDEX TO THE ADMINSTRATIVE RECORD
Gary Development Company
Docket No. RCRA-V-W-86-R-45
RCRA (3008) Appeal No. 96-2

1. Region V's Complaint and Compliance Order. Sent May 30, 1986.
2. Respondent's Request for Hearing and Answer and Responsive Pleading To Complaint and Compliance Order. Sent June 30, 1986.
3. Letter from Beverly Shorty, Regional Hearing Clerk, to Honorable Edward B. Finch, Chief Administrative Law Judge, regarding assignment of an Administrative Law Judge to the case. Sent July 2, 1986.
4. Order of Designation. Dated July 12, 1986.
5. Letter from Judge Greene to Marc M. Radell and Warren D. Krebs regarding scheduling. Sent July 16, 1986.
6. Region V's status report. Sent August 6, 1986.
7. Order regarding status. Dated August 15, 1986.
8. Region V's status report. Sent September 29, 1986.
9. Respondent's letter regarding status report. Sent October 1, 1986.
10. Order regarding status. Dated October 8, 1986.
11. Region V's status report. Sent October 27, 1986.
12. Order regarding status. Dated October 30, 1986.
13. Region V's status report. Sent December 3, 1986.
14. Order for Pretrial Exchange. Dated December 9, 1986.
15. Complainant's Pretrial Exchange, with Exhibits Nos. 1-28. Sent February 13, 1987.
16. Preliminary Exhibit and Witness Lists of Gary Development Company, Inc. Sent February 16, 1987.
17. Region V's Notice Re: Changes or Additions to Pretrial Exchange. Sent February 26, 1987.
18. Order regarding written stipulations. Dated March 3, 1987.

19. Region V's Proposed Stipulations of Facts. Sent March 11, 1987.
20. Respondent's letter regarding stipulations and hearing. Sent March 27, 1987.
21. Region V's letter regarding stipulations and hearing. Sent March 31, 1987.
22. Order regarding trial. Dated April 2, 1987.
23. Notice of Trial. Dated April 24, 1987.
24. Respondent's Motion to Reschedule Trial. Sent April 29, 1987.
25. Notice of Trial. Dated May 8, 1987.
26. Region V's Motion to Reschedule Trial. Sent May 28, 1987.
27. Notice of Reschedule Trial. Dated June 16, 1987.
28. Respondent's letter regarding trial. Sent August 7, 1987.
29. Notice of Courtroom Assignment. Dated August 17, 1987.
30. Transcript of Hearing, Volume I, Pages 1-250, September 9, 1987.
31. Transcript of Hearing, Volume II, Pages 251-569, September 10, 1987.
32. Transcript of Hearing, Volume III, Pages 570-804, September 11, 1987.
33. Respondent's Exhibits Nos. 1-11.
34. Complainant's Exhibit No. 29.
35. Region V's Request for Subpoenas. Sent September 16, 1987.
36. Region V's Response to Motion to Dismiss. Sent October 6, 1987.
37. Reply Brief to Complainant's Response to Respondent's Motion to Dismiss. Sent October 9, 1987.
38. Regional Hearing Clerk's Certificate of Service for transcript. Dated December 22, 1987.
39. Notice of Continuation of Trial. Dated October 28, 1988.

40. Respondent's Motion for Continuance of Trial Dates. Sent November 3, 1988.
41. Region V's Response to Motion for Continuance of Trial Dates. Sent November 10, 1988.
42. Order granting motion for continuance. Dated November 17, 1988.
43. Opinion and Order Denying Motion to Dismiss. Dated September 29, 1989.
44. Respondent's letter regarding scheduling. Sent November 6, 1989.
45. Respondent's letter regarding scheduling. Sent November 10, 1989.
46. Notice of Additional Trial Dates. Dated August 17, 1990.
47. Notice of Additional Trial Dates. Dated September 19, 1990.
48. Respondent's letter regarding scheduling. Sent October 1, 1990.
49. Order regarding trial dates. Dated October 12, 1990.
50. Respondent's letter requesting issuance of subpoena. Sent November 28, 1990.
51. Notice of Courtroom Assignment. Dated December 7, 1990.
52. Transcript of Hearing, Volume IV, Pages 805-858, December 17, 1990.
53. Transcript of Hearing, Volume V, Pages 859-961, December 17, 1990.
54. Respondent's Exhibit Numbers 15, 16, 17, 18, and 19 and Complainant's Exhibit Numbers 31 and 32.
55. Complainant's Exhibit Number 33.
56. Regional Hearing Clerk's Certificate of Service for transcript. Dated January 7, 1991.
57. Respondent's Verified Motion To Extend Post-Hearing Briefing Schedule. Sent March 21, 1991.
58. Order Continuing Briefing Schedule. Dated March 25, 1991.

59. Respondent's Verified Motion To Extend Post-Hearing Brief By Two Weeks and Reply Brief By One Week. Sent April 18, 1991.
60. Respondent's letter regarding extension. Sent April 19, 1991.
61. Scheduling Order. Dated April 22, 1991.
62. Post-Hearing Brief of Gary Development. Sent May 8, 1991.
63. Post-Hearing Brief of Complainant United States Environmental Protection Agency. Sent May 9, 1991.
64. Reply Brief of Complainant United States Environmental Protection Agency. Sent May 30, 1991.
65. Letter from Shirley Smith to Jodi L. Swanson-Wilson, Region V Hearing Clerk, enclosing for distribution five copies of Initial Decision. Sent April 8, 1996.
66. Regional Hearing Clerk's Certificate of Service for Initial Decision. Dated April 12, 1996.
67. Memorandum from Bessie L. Hammel to Environmental Appeals Board, transmitting copy of Decision and Order by Administrative Law Judge J.F. Greene and case file. Sent April 22, 1996.
68. Memorandum from Eurika Stubbs to Bessie L. Hammel returning the case file. Sent May 10, 1996.
69. Memorandum from Bessie L. Hammel to Jodi L. Swanson-Wilson, Region V Hearing Clerk, transmitting the case file. Sent May 13, 1996.
70. Respondent's Verified Petition for Order Directing Service of Initial Decision and Establishing Time To File Notice of Appeal with Environmental Appeals Board. Sent June 3, 1996.
71. Notice of Appeal of Gary Development Company, Inc. Objecting to Decision and Order Dated April 8, 1996, and Brief of Gary Development Supporting Notice of Appeal. Sent June 21, 1996.
72. Order regarding information from respondent. Dated June 21, 1996.
73. Respondent's Verified Response to Order Issued June 21, 1996. Sent July 2, 1996.
74. Order regarding information from Region V. Dated July 17, 1996.

75. Region V's Response to Request to File Appeal Out of Time. Sent July 30, 1996.
76. Order Dismissing Appeal. Decided August 16, 1996.
77. Respondent's Verified Motion to Reconsider Final Order. Sent August 30, 1996.
78. Respondent's Amendment to Verified Motion to Reconsider Final Order. Sent September 3, 1996.
79. Order regarding Region V's response. Dated September 4, 1996.
80. Region V's Response to Verified Motion to Reconsider and Amendment to Verified Motion to Reconsider. Sent September 12, 1996.
81. Order Denying Motion for Reconsideration. Sent September 18, 1996.
82. Respondent's Second Amendment to Verified Motion to Reconsider Final Order. Sent September 18, 1996.
83. Order regarding Second Amendment. Dated September 20, 1996.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 16, 1996, I caused a true and correct copy of the foregoing -- NOTICE OF FILING OF CERTIFIED INDEX TO THE ADMINSTRATIVE RECORD with the CERTIFIED INDEX TO THE ADMINSTRATIVE RECORD attached thereto -- to be furnished by First Class mail, postage prepaid, to:

Warren D. Krebs, Esq.
1020 Market Tower
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Respectfully submitted,



WAKISHA CHASE